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Amendment No. 26 to SB2624

**Blackburn
Signature of Sponsor**

AMEND Senate Bill No. 2624

House Bill No. 2286*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following language as a new appropriately designated section:

Section ____.

(a) Aliens shall be eligible for medical assistance, including participation in the TennCare program, only to the same extent as permitted under federal law and regulations for receipt of federal financial participation under Title XIX of the federal Social Security Act, except as otherwise provided in this section.

(b) In accordance with Section 1903(v)(1) of the federal Social Security Act (42 U.S.C. Section 1396b(v)(1)), an alien shall only be eligible for the full scope of medical assistance benefits, if the alien has been lawfully admitted for permanent residence, or is otherwise permanently residing in the United States under color of law.

For purposes of this section, aliens “permanently residing in the United States under color of law” shall be interpreted to include all aliens residing in the United States with the knowledge and permission of the United States Immigration and Naturalization Service and whose departure the United States Immigration and Naturalization Service does not contemplate enforcing and with respect to whom federal financial participation is available under Title XIX of the federal Social Security Act.

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(c) Any alien whose immigration status has been adjusted either to lawful temporary resident or lawful permanent resident in accordance with the provisions of Section 210, 210A, or 245A of the federal Immigration and Nationality Act, and who meets all other eligibility requirements, shall be eligible only for care and services under this chapter for which the alien is not disqualified pursuant to those sections of the federal act.

(d) Any alien who is otherwise eligible for medical assistance services, but who does not meet the requirements under subdivision (b) or (c), shall only be eligible for care and services that are necessary for the treatment of an emergency medical condition and medical care directly related to the emergency, as defined in federal law. For purposes of this section, the term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

(1) Placing the patient's health in serious jeopardy.

(2) Serious impairment to bodily functions.

(3) Serious dysfunction to any bodily organ or part. It is the intent of this section to entitle eligible individuals to inpatient and outpatient services that are necessary for the treatment of the emergency medical condition in the same manner as administered

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by the department through regulations and provisions of federal law.

(e) The bureau shall require that each applicant, for, or beneficiary of, medical assistance, including a child, shall provide his or her social security number, or numbers, if he or she has more than one social security number.

(f)

(1) In order to be eligible for benefits under subdivision (b) or (c), an alien applicant or beneficiary shall present alien registration documentation or other proof of satisfactory immigration status from the United States Immigration and Naturalization Service.

(2) Any alien who meets all other program requirements but who lacks documentation of alien registration or other proof of satisfactory immigration status shall be provided a reasonable opportunity to submit the evidence. For purposes of this paragraph, "reasonable opportunity" means thirty (30) days or the time it actually takes the bureau or its designee to process the application for medical assistance, whichever is longer.

(3) During the reasonable opportunity period under paragraph (2), the bureau or its designee shall process the

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applicant's application for medical assistance in a manner that conforms to its normal processing procedures and timeframes.

(g)

(1) The bureau or its designee shall grant only the benefits set forth in subdivision (d) of this section to any individual who, after thirty (30) calendar days or the time it actually takes the bureau or its designee to process the application for medical assistance, whichever is longer, has failed to submit documents constituting reasonable evidence indicating a satisfactory immigration status for medical assistance purposes, or who is reported by the United States Immigration and Naturalization Service to lack a satisfactory immigration status for medical assistance purposes.

(2) If an alien has been receiving medical assistance benefits based on eligibility established prior to the effective date of this section and that individual, upon redetermination of eligibility for benefits, fails to submit documents constituting reasonable evidence indicating a satisfactory immigration status for medical assistance purposes, the bureau or its designee shall discontinue the medical assistance benefits, except for the care and services set forth in subdivision (d) of this section. The bureau or its designee shall provide adequate notice to the

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individual of any adverse action and shall accord the individual an opportunity for a fair hearing if he or she requests one.

(h) To the extent permitted by federal law and regulations, an alien applying for services under subdivisions (b) and (c) shall be granted eligibility for the scope of services to which he or she would otherwise be entitled if, at the time the bureau or its designee makes the determination about his or her eligibility, the alien meets either of the following requirements:

(1) He or she has not had a reasonable opportunity to submit documents constituting reasonable evidence indicating satisfactory immigration status.

(2) He or she has provided documents constituting reasonable evidence indicating a satisfactory immigration status, but the bureau or its designee has not received timely verification of the alien's immigration status from the United States Immigration and Naturalization Service.

(3) The verification process shall protect the privacy of all participants. An alien's immigration status shall be subject to verification by the United States Immigration and Naturalization Service, to the extent required for receipt of federal financial participation in the medical assistance program.

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(i) If an alien does not declare status as a lawful permanent resident or alien permanently residing under color of law, or as an alien legalized under Sections 210, 210A, or 245A of the federal Immigration and Nationality Act, medical assistance coverage under subdivision (d) of this section shall be provided to the individual if he or she is otherwise eligible.

(j) If an alien subject to this section is not fluent in English, the bureau or its designee shall provide an understandable explanation of the requirements of this section in a language in which the alien is fluent.

(k) Aliens who were receiving long-term care or renal dialysis services under the provisions of this chapter on the effective date of this act, shall continue to receive these services. The authority for continuation of long-term care or renal dialysis services in this subdivision shall not apply to any person whose long-term care or renal dialysis services end for any reason after the effective date of the amendment described in this subdivision.

(l)

(1) Aliens who were receiving long-term care services under the authority of this chapter on the day prior to the effective date of this section shall continue to receive those long-term care services.

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(2) On or after the effective date of this section, any alien applicant who is not lawfully present in the United States, who is otherwise eligible for medical assistance services, but who does not meet the requirements under subdivision (b) or (c) of this section, would be eligible to receive federally reimbursable long-term care services pursuant to the medicaid program provided for pursuant to Title 19 of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.), shall be eligible to receive long-term care services to the extent that funding is made available for this purpose in the annual general appropriations act.

(m) Any alien who is otherwise eligible for medical assistance services, but who does not meet the requirements under subdivision (b) or (c) of this section, shall be eligible for medically necessary pregnancy-related services.